

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:19-CR-4-BO-1

UNITED STATES OF AMERICA                  )  
    )  
    )  
v.    )   O R D E R  
    )  
    )  
RAUL AYALA, JR.                            )

This matter comes before the Court on defendant's motion in limine. [DE 87]. The motion is DENIED.

BACKGROUND

On January 9, 2019, defendant was indicted for production of child pornography and possession of child pornography. The government filed a superseding indictment on February 6, 2020, charging the same counts. The government filed a second superseding indictment on March 5, 2020 for two counts of production of child pornography and one count of possession of child pornography. Jury selection and trial is set for April 26, 2021 at Raleigh, North Carolina.

The government moves to exclude 1) any reference to, or questions about, the prior convictions of one of the testifying victim witnesses; 2) any reference to other portions of the interview of Raul Ayala not admitted at trial; and 3) any reference to or argument about the potential punishment or charging decision in this matter.

DISCUSSION

The Court denies the government's request that any reference to, or questions about, the prior convictions of one of the testifying victim witnesses, be excluded. The Court further denies the government's request that any reference to or argument about the potential punishment charging decision in this matter be excluded. However, the Court notes that punishment is never

an issue at trial and that the jury has no interest in hearing arguments related to sentencing at trial.

The Court will reserve its ruling on the admissibility of the recorded incriminating statement to the police, either in whole or in part, until trial.

CONCLUSION

For the foregoing reasons, defendant's motion [DE 87] is DENIED.

SO ORDERED, this 23 day of April, 2021.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE